

No. 17-cr-00248

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**RICHARD HART,
Petitioner,**

v.

**UNITED STATES OF AMERICA
Respondent.**

**EMERGENCY PETITION IN SUPPORT OF IMMEDIATE
RELEASE FOR RICHARD HART**

)	
RICHARD HART)	
Petitioner,)	
v.)	17-cr-00248-VSB
)	
UNITED STATES OF AMERICA)	June 17, 2020
Respondent.)	
)	

NOW COMES Richard Hart (hereinafter “Petitioner”) through his Next Friend, a fellow inmate in the Elite Cadre Unit (K-82) at MDC Brooklyn before being transferred downstairs to the Covid-19 Quarantine Unit (G-41). Your Honor has the power to either reduce Petitioner’s sentence to time-served or to send him to Home Confinement for the remainder of his sentence. Petitioner does not know about this motion, so it would be appreciated if the Court would file this on his docket so his wife and attorney can put it to good use somehow.

Rick is one of the finest men I have met, in or out of prison. While his Cell Mate, it seemed like he was called for sanitation duty every day; even when he hurt his shoulder, because he was such a good and diligent worker. Rick also completed his GED studies and participated in the RDAP program at MDC while I was his Bunkie. The RDAP alone should have taken 120 days off of his sentence, as well as another four months for completing his GED, so I do not understand why Your Honor would not order his immediate release pursuant to 18 U.S.C. §3582(c)(1)(A) even though he wrote his letter to the Warden months ago when we were still bunkmates. While I know his scheduled “out-date” is in July, it seems that with the Covid-19 Pandemic and the fact that we were locked down for 9 weeks without a working emergency buzzer in our cells should weigh heavily in taking time off of Rick’s sentence. Please see Judge Gorton’s decision in *United*

States v. MacFarlane, No. 19-cr-10131 (D.Mass. April 14, 2020), where Judge Gorton took one month off MacFarlane's sentence for each week he was in lockdown. Unlike Petitioner who was locked down in a maximum security prison for 9 weeks with no exercise or sunlight, and was only let out for an hour on Monday, Wednesday, and Friday, MacFarlane was in a Camp in Arizona. It is difficult to stay in touch with your wife, child, or attorney with only one phone call a day, and 45 minutes a week of phone time.

In addition to the four months of credits he should have received for RDAP and the 9 months he should receive for his time in lockdown, Rick is also entitled to 15 days each month of Earned Time Credits under the First Step Act because he was taking classes and working in prison. Therefore, he should have an additional 3 months off for that as well. Certainly he has a "minimum" PATTERN score, as does everyone who is assigned to Cadre Unit at the MDC. Everyone there is camp-qualified and/or community custody.

The Court has the power to send Rick to Home Confinement right now because of the Covid-19 Pandemic, and Rick is needed at home to take care of his wife and autistic son, and to take care of his nieces and nephews that recently lost their father who was helping to take care of Rick's family while he was away. Now, both wives are without a husband and a "breadwinner" to support them, so they must go back to work to support the family while constantly trying to figure out how the children will be cared for while they are gone, especially since the Coronavirus Pandemic has taken away the ability of schools and daycares to assist families. If this is not an "extraordinary and compelling" situation, I am not sure what is. Therefore, please show the same mercy other judges have recently shown in the Eastern and Southern Districts of New York and immediately grant Petitioner Richard Hart's release to Home Confinement or grant a Reduction in Sentence so he may help his family in this critical time of need.

Thank you for Your Honor's thoughtful consideration of this Petition.

Respectfully submitted,

/s/ Richard Hart

Richard Hart

Incarcerated Inmate by his Next Friend

Petitioner, *pro se*

Reg. #79059-054

MDC Brooklyn

P.O. Box 329002

Brooklyn, NY 11232

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